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10/646,319

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Shao-Chun Chen

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EXAMINER

KHATRI, ANIL

ART UNIT

PAPER NUMBER

2191

DATE MAILED: 11/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/646,319

Applicant(s)

CHEN ET AL.

Examiner

Anil Khatri

Art Unit

2191

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>12/3/03, 10/12/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-33 are rejected under 35 USC 101 because they disclose a claimed invention that is an abstract idea as defined in the case *In re Warmerdam*, 33, F 3d 1354, 31 USPQ 2d 1754 (Fed. Cir. 1994).

Analysis: Claims 1-33 disclosed by the applicant as being a “system for generating efficient and compact package...”. Since the claims are each a series of steps to be performed on a computer the processes must be analyzed to determine whether they are statutory under 35 USC 101.

Examiner interprets that the claims 1-33 are non-statutory because they do not disclose that how a system is able to generate compact updated package without incorporating steps of updating packages when it is fixed in tangible environment so its functionality can be realized. Therefore, claims 1-33 are an abstract idea merely manipulation of program without producing any tangible results. Thus claims 1-33 are non-statutory and rejected under 35 USC 101.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claims 1-33 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: Applicant submits no substance to the claims to represent that each limitations in the claims are inter-related or connected. A parser, a bubble generator, a configuration manager, a bubble layout manager and a generator. How they are connected with each other in order to carry out steps for updating package for updating contents?

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Kinoshita* USPN 4,493,083 taken with *Foster* USPN 6,675,382

Regarding claims 1, 7, 8, 18, 19, 21, 22, 26 and 27

Kinoshita teaches,

a bubble generator for generating bubbles (figure 2, column 5, line 20, “BE bubble generator);

a configuration manager for facilitating configuration of memory elements of the electronic device (column 5, lines 1-8, “numerical control device... new data”);

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a bubble layout manager for modifying the source image to look similar to the target image (column 6, lines 40-51, “bubble controller...last record”); and,

a generator for generating update packages (column 6, lines 46-51, “operation for updating...”). *Kinoshita teaches*, does not teach explicitly a parser for generating distance files between the source image and the target image. However, *Foster teaches* (figure 3, column 7, lines 65-67, “the above entries are parsed...”, column 8, lines 1-3). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to incorporate bubble memory with parsing for updating data at different time intervals. The modification would have been obvious because one of ordinary skill in the art would have been motivated to combine teaching in generating compact updated packages to update the target machines.

Regarding claims 2-4

Foster teaches,

the parser preprocesses map files for generating the distance files (figure 3, column 7, lines 65-67, “the above entries are parsed...”, column 8, lines 1-3).

Regarding claim 5

Kinoshita teaches,

the bubble generator outputs a file containing a list of the generated bubbles (figure 2, column 5, line 20, “BE bubble generator”).

Regarding claim 6

Kinoshita teaches,

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the parser generates a plurality of distance files associated with a plurality of memory components in the electronic device. (column 5, lines 1-8, “numerical control device... new data”).

Regarding claim 9 and 28

Kinoshita teaches,

A bubbler (figure 2, column 5, line 20, “BE bubble generator);and

A predicator for aligning objects between the source and target images (column 6, lines 40-51, “bubble controller...last record”).

Regarding claim 10

Kinoshita teaches,

Update package comprises a set of instructions and data (see summary of the invention, lines 25-38).

Regarding claim 11, 29 and 30

Kinoshita teaches,

a residue processing unit for minimizing the number of instructions in the update package; and (column 7, lines 20-25, “data is written... be resumed”)

an update package output for generating the update package (see summary of the invention, lines 25-38).

Regarding claims 12-14

Kinoshita teaches,

the generator determines an appropriate bank order of updates (column 6, lines 44-50, “after finishing... figure 3).

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Regarding claims 15-17

Foster teaches,

an entropy calculator for calculating the entropy of a segment of data (column 6, lines 42-49, “a single file... package”); and

a compression unit for facilitating compression of the update package (column 7, lines 11-17, “payload file 210 is... the software”).

Regarding claims 20, 23 and 24

Foster teaches,

The distance files are split into at least one part (column 3, lines 65-67, “determine size... on a system).

Regarding claim 25

Kinoshita teaches,

The configuration setting are specified by a user (column 6, lines 33-42, “first initialization...”).

Regarding claims 31-32

Kinoshita teaches,

The update package and the bubble information are packaged together and outputted (column 6, lines 57-67, “the data in the last...”).

Regarding claim 33

Kinoshita teaches,

Update package and the bubble information are packaged together and saved in a file (column 6, lines 33-44, “first initialization...”).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anil Khatri whose telephone number is 571-272-3725. The examiner can normally be reached on M-F 8:30-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached on 571-272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


ANIL KHATRI
PRIMARY EXAMINER